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| Notice of Allowability | |
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| Application No. | Applicant(s) | · |
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| 10/697,564 | SAGGIO ET AL. | |
| Examiner | Art Unit | |
| J. Woodrow Eldred | 3644 | |

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| | J. Woodrow Eldred | 3644 | |
| The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313 | (OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to | olication. If not includ will be mailed in due | ed course. THIS |
| 1. This communication is responsive to | | | |
| 2. ☑ The allowed claim(s) is/are <u>1-49 and 101-133</u> . | | | |
| 3. ☑ The drawings filed on <u>06 May 2004</u> are accepted by the Ex | kaminer. | | |
| 4. Acknowledgment is made of a claim for foreign priority until a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). | be been received. be been received in Application No | | ition from the |
| * Certified copies not received: | | | |
| Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. | | complying with the re | quirements |
| 5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give | | | NOTICE OF |
| 6. CORRECTED DRAWINGS (as "replacement sheets") mus | st be submitted. | | |
| (a) ☐ including changes required by the Notice of Draftspers | · · | 948) attached | |
| 1) hereto or 2) to Paper No./Mail Date | | | |
| (b) ☐ including changes required by the attached Examiner' Paper No./Mail Date | s Amendment / Comment or in the C | Office action of | |
| Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t | | | e back) of |
| 7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT | | | Note the |
| | | | |
| Attachment(s) | E [] Notice of Informal [| latant Application (DT | O 450) |
| 1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | 5. ☐ Notice of Informal P 6. ☐ Interview Summary | , , | 0-152) |
| | Paper No./Mail Dat | te . | |
| Information Disclosure Statements (PTO-1449 or PTO/SB/C Paper No./Mail Date 2-11-04 | 08), 7. ⊠ Examiner's Amendr | nent/Comment | |
| 4. Examiner's Comment Regarding Requirement for Deposit | 8. 🛛 Examiner's Stateme | ent of Reasons for Alle | owance |
| of Biological Material | 9. | | |
| | | J. Woodrow Eldred Primary Examiner Art Unit: 3644 | I |

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-49 and 101-133, drawn to a refueling drogue with a rotating mass, classified in class 244, subclass 135A.
- II. Claims 50-100, drawn to a refueling drogue with an active control system, classified in class 244, subclass 76A.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as being used to stabilize an otherwise uncontrolled drogue. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. During a telephone conversation with Martin Cosenzi on 6-24-04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-49 and 101-133. Claims 50-100 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
- 5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 50-100 to an invention non-elected without traverse. Accordingly, claims 50-100 have been cancelled.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose or make obvious the claimed refueling drogue. Specifically, the prior art fails to show a refueling drogue having a rotating mass which stabilizes the drogue through the gyroscopic effect. It is also noted that the term "KEAS" in the claims is a well known art term meaning "knots equivalent air speed".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

- 7. Claims 1-49 and 101-133 are allowed.
- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. That et al, Green, and Stripling are cited as being of interest since they disclose aircraft refueling systems and a spin stabilized projectile.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 703-306-4151. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Woodrow Eldred
Primary Examiner
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